

Frequently Asked Questions

Why does the Army want to develop these old buildings?

- Federal agencies are required under Section 111 of the National Historic Preservation Act (NHPA) to consider alternative uses of historic properties that are not needed for current or projected agency needs. These alternatives may include rehabilitation for adaptive reuse or leasing. Retention of the buildings through some mechanism preserves the appearance of the historic district.

Are the building interiors also affected by historical preservation requirements?

- The Secretary of the Interior's Standards for Treatment of Historic Property apply to both the interior as well as the exterior of historic structures. The basic rule of thumb is "repair when possible, replace in-kind when not possible," however, there is a lot of flexibility in the standards to allow creative solutions to balancing historic preservation requirements with other requirements, such as handicap accessibility, lead and asbestos remediation, and so forth. Less significant interior spaces, such as kitchens, bathrooms, and attics afford even more flexibility in construction methods and materials. The standards may be viewed at <http://www2.cr.nps.gov/tps/secstan1.htm>. The final preservation requirements will be determined during the creation of the B&L Plan phase of the project.

Under an Enhanced Use Lease, what property responsibilities will the successful developer assume?

- The developer/Lessee will retain all responsibilities of the property with all the attributes, benefits, and risks. These include the costs of utilities/municipal services, marketing and pre-development costs, development loans, facility maintenance and repairs, historic preservation, environmental protection and remediation, lead based paint and asbestos removal, soil and water conservation, taxes and insurance (property and liability), and consideration owed to the government for the use of the structures and underlying land.

Can the selected developer benefit from historic preservation tax credits?

- Please review Army/ Pickle Amendment Historic Tax Credit memorandum displayed on this website.

Is a 50-year lease term the statutory limit?

- No. The law provides for a 5-year lease term, but gives the flexibility to offer a longer term. Congress and the Office of Management and Budget are comfortable with a 50-year out lease.

At what point in the NOL process would financial considerations be set (in terms of the financial deal becoming part of the lease)?

- Financial considerations can be negotiated during the entire B&L Plan phase of the project, but will be finalized only upon execution of the master lease.

Is there an expectation that at the submittal stage, proposals will present a fully planned and prepared design and construction team?

- No. However, the evaluation team would like to see as much detail as the developer believes is necessary to give evidence that the bidder presents a sound design and construction team. The evaluation team would like to know who the main participants would be, as well as any equity contributors. At the same time, the evaluation team does not need to know the identity of every subcontractor.

Does the government expect to have input into the selection of the design team and general contractor?

- No, but these firms and individuals will need to be identified in the proposals.

Where can I find more information about other EUL activities?

- Contact Erich Kurre at HQ DA Erich.Kurre@hqda.army.mil, or (703) 692-9229.

Is there a time deadline for completion?

- Completion time will be negotiated as part of the Business and Lease Plan

What does NEPA stand for?

- National Environmental Policy Act (NEPA). NEPA text may be viewed at: <http://ceq.eh.doe.gov/nepa/regs/nepa/nepaegia.htm>. Also, more information at <http://ceq.eh.doe.gov/nepa/nepanet.htm>.

Where can I get a copy of the §2667 (EUL) legislation?

- The Enhanced Use Leasing legislative authority of the Department of the Army (10 U.S.C. §2667) may be found at <http://www4.law.cornell.edu/uscode/10/2667.html>. It is also posted on this website.

Where can I get a copy of the National Historic Preservation Act?

The full text of the National Historic Preservation Act may be found at <http://www2.cr.nps.gov/laws/NHPA.pdf>. The most important clauses are Section 106, Section 110 and Section 111. Section 106, which requires consideration of the potential effects of proposed projects on historic properties and consultation with the State Historic Preservation Office and Advisory Council on Historic Preservation, is implemented through 36 CFR Part 800, which may be found at <http://www.achp.gov/regs.html>.

What is Section 106 review?

- A Section 106 review is a process mandated by the NHPA and outlined in regulations issued by the Council. The review is to determine whether undertakings proposed by Federal agencies could affect historic properties, whether there is Adverse Effect or No Adverse Effect, and how any Adverse Effect may be avoided, minimized or mitigated. The object of the Section 106 review is to have the agency and the SHPO come to an agreement on the issues. The terms of the agreement normally are outlined in a Programmatic Agreement (PA) or Memorandum of Agreement (MOA). For more details please refer to <http://www.achp.gov/faq.html#106>.

What is the Advisory Council on Historic Preservation (ACHP)?

- The Advisory Council on Historic Preservation (ACHP) is the federal agency charged with commenting on federal undertakings that might affect historic properties. Under the 2000 revisions to the National Historic Preservation Act, more of the ACHP authority was shifted to the State Historic Preservation Officer (SHPO). Fort Bliss coordinates and consults with the SHPO in cases where proposed actions will have no adverse effect on historic properties. The ACHP is brought into the consultation process when there is a possibility that a planned undertaking will adversely affect historic properties.